

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Francis X. Smith Art Unit: 1615
Serial No.: 10/544,154 Examiner: Carlos A. Azpuru
Filing Date: August 5, 2005
Title: **L-HISTIDINE IN OPHTHALMIC SOLUTIONS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. § 1.97, Applicants and their legal representatives hereby make of record the references on attached Form PTO-1449 which are known by them and considered warranting disclosure under 37 C.F.R. § 1.56. The best available copies of all the foreign references cited are submitted herewith.

This statement is not to be interpreted as a representation that the cited publications are material, that an exhaustive search has been conducted, or that no other relevant information exists. Nor shall the citation of any publication herein be construed *per se* as a representation that such publication is prior art. Moreover, Applicants understand that the Examiner will make an independent evaluation of the cited publications.

Applicants and their legal representatives believe this submission is being presented before the Examiner issued an office action on the merits and therefore, no fee is due for this submission. However, the Commissioner is authorized to charge any deficiencies or credit any excess payments to our Deposit Account No. 50-3010.

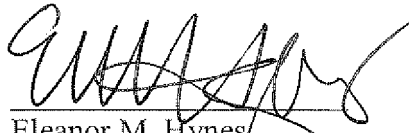
If there are any questions, please call the undersigned at the telephone number indicated below.

Respectfully submitted,

HISCOCK & BARCLAY, LLP

05/24/07

Date



Eleanor M. Hynes
Registration No. 58,013

Hiscock & Barclay, LLP
2000 HSBC Plaza
Rochester, NY 14604-2404
Phone: (585) 325-7570
Fax: (585) 325-5458

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 5

Complete if Known

Application Number	10/544,154
Filing Date	August 1, 2005
First Named Inventor	Francis X. Smith
Art Unit	1615
Examiner Name	Carlos A. Azpuru
Attorney Docket Number	3009099 US01

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
	1	US- 3,429,576	02-25-1969	Yoshiaki Ikeda	
	2	US- 3,910,296	10-07-1975	Karageozian et al.	
	3	US- 3,943,251	03-09-1976	Medow et al.	
	4	US- 4,022,834	05-10-1977	Gundersen	
	5	US- 4,046,706	09-06-1977	Krezanoski	
	6	US- 4,136,173	01-23-1979	Pramoda et al.	
	7	US- 4,136,175	01-23-1979	Rideout et al.	
	8	US- 4,136,534	01-30-1979	Villa	
	9	US- 4,209,817	06-24-1980	McGinnis	
	10	US- 4,361,458	11-30-1982	Grajek et al.	
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	12	US- 4,394,381	07-19-1983	Sherrill	
	13	US- 4,439,417	03-27-1985	Matsunaga et al.	
	14	US- 4,525,346	06-25-1985	Stark	
	15	US- 4,599,360	07-08-1986	Fukami et al.	
	16	US- 4,748,189	05-31-1988	Su et al.	
	17	US- 4,783,488	11-08-1988	Ogunbiyi et al.	
	18	US- 4,820,352	04-11-1989	Reidhammer et al.	
	19	US- 4,826,879	05-02-1989	Yamamoto et al.	
	20	US- Re. 32,672	05-24-1988	Huth et al.	

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Examiner Initials *	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
	21	GB 1,398,058	03-15-1973	Farmaceutisk		
	22	JP 58010517 A	01-21-1983	Santen Pharmaceutical		
	23	WO 91/01763	02-21-1991	Schering Corp.		
	24	WO 92/04905	04-02-1992	Abraham et al.		
	25	WO 92/11876	07-23-1992	Schering Corp.		
	26	WO 92/21049	11-26-1992	Allergan, Inc.		
	27	WO 94/00160	01-06-1994	Allergan, Inc.		
	28	WO 95/00176	01-05-1995	Allergan, Inc.		
	29	WO 96/06803	03-07-1996	Alcon Laboratories		

Examiner Signature	Date Considered
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STATEMENT BY APPLICANT**

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Sheet 2 of 5

Complete if Known

Application Number	10/544,154
Filing Date	August 1, 2005
First Named Inventor	Francis X. Smith
Art Unit	1615
Examiner Name	Carlos A. Azpuru
Attorney Docket Number	3009099 US01

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		Number - Kind Code ² (if known)			
	30	US- 4,836,986	06-06-1989	Ogunbiyi et al.	
	31	US- 4,891,423	01-02-1990	Stockel	
	32	US- 4,804,454	01-16-1990	Paradies	
	33	US- 4,988,710	01-29-1991	Olney	
	34	US- 4,997,626	03-05-1991	Dziabo et al.	
	35	US- 5,030,721	07-09-1991	Kasai et al.	
	36	US- 5,078,908	01-07-1992	Ripley et al.	
	37	US- 5,089,261	02-18-1992	Nitecki et al.	
	38	US- 5,122,354	06-16-1992	Tsuji et al.	
	39	US- 5,174,872	12-29-1992	Scott	
	40	US- 5,175,161	12-29-1992	Yokoyama et al.	
	41	US- 5,182,258	01-26-1993	Chiou	
	42	US- 5,192,535	03-09-1993	Davis et al.	
	43	US- 5,279,673	01-18-1994	Dziabo et al.	
	44	US- 5,300,296	04-05-1994	Holly et al.	
	45	US- 5,306,440	04-26-1994	Ripley et al.	
	46	US- 5,361,287	11-01-1994	Williamson	
	47	US- 5,380,303	01-10-1995	Holly et al.	
	48	US- 5,439,572	08-08-1995	Pankow	
	49	US- 5,449,658	09-12-1995	Unhoch et al.	

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		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
	50	WO 97/34834	09-25-1997	Bio-Lab, Inc.		
	51	WO 97/41215	11-06-1997	Novo Nordisk A/S		
	52	EP 0 812 592 A1	12-17-1997	Kikkoman Corp.		
	53	JP 10-108899	04-28-1998	Tomey Technol Corp		T
	54	RU 2127100	03-10-1999	Borzenko et al.		T
	55	WO 99/23887	05-20-1999	Novo Nordisk A/S		
	56	WO 99/37295	07-29-1999	Devillez et al.		
	57	JP 2000016965 A	01-18-2000	Mitsubishi Gas		
	58	WO 00/07634	02-17-2000	NDT, Inc.		

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				Application Number	10/544,154
				Filing Date	August 1, 2005
				First Named Inventor	Francis X. Smith
				Art Unit	1615
				Examiner Name	Carlos A. Azpuru
				Attorney Docket Number	3009099 US01
Sheet	3	of	5		

U.S. PATENT DOCUMENTS

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		Number - Kind Code ² (if known)			
	59	US- 5,494,937	02-27-1996	Asgharian et al.	
	60	US- 5,547,990	08-20-1996	Hall et al.	
	61	US- 5,591,773	01-07-1997	Grunberger et al.	
	62	US- 5,607,681	03-04-1997	Galley et al.	
	63	US- 5,624,958	04-29-1997	Isaacs et al.	
	64	US- 5,661,130	08-26-1997	Meezan et al.	
	65	US- 5,674,450	10-07-1997	Lin et al.	
	66	US- 5,691,379	11-25-1997	Ulrich et al.	
	67	US- 5,718,895	02-17-1998	Asgharian et al.	
	68	US- 5,719,110	02-17-1998	Cook	
	69	US- 5,770,582	06-23-1998	von Borstel et al.	
	70	US- 5,780,450	07-14-1998	Shade	
	71	US- 5,807,585	09-15-1998	Martin et al.	
	72	US- 5,869,468	02-09-1999	Freeman	
	73	US- 5,888,950	03-30-1999	Potini et al.	
	74	US- 5,891,733	04-06-1999	Inoue	
	75	US- 5,925,371	07-20-1999	Ishiwatari	
	76	US- 5,942,218	08-24-1999	Kirschner et al.	
	77	US- 5,945,446	08-31-1999	Laub	
	78	US- 5,925,320	09-14-1999	Davidson et al.	

FOREIGN PATENT DOCUMENTS

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Sheet	4	of	5
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	81	US- 5,965,736	10-12-1999	Akhavan-Taffi	
	82	US- 5,968,904	10-19-1999	Julian et al.	
	83	US- 6,001,805	12-14-1999	Jaynes et al.	
	84	US- 6,056,920	05-02-2000	Lepre	
	85	US- 6,117,869	09-12-2000	Picard et al.	
	86	US- 6,121,327	09-19-2000	Tsuzuki et al.	
	87	US- 6,126,706	10-03-2000	Matsumoto et al.	
	88	US- 6,139,646	10-31-2000	Asgharian et al.	
	89	US- 6,156,563	11-28-2000	Smith et al.	
	90	US- 6,162,393	12-19-2000	De Bruijn et al.	
	91	US- 6,191,110 B1	02-20-2001	Jaynes et al.	
	92	US- 6,309,596 B1	10-30-2001	Xia et al.	
	93	US- 6,309,658 B1	10-30-2001	Xia et al.	
	94	US- 6,432,893 B1	08-13-2002	Doi et al.	
	95	US- 6,617,291 B1	09-09-2003	Smith	
	96	US- 6,624,203 B1	09-23-2003	Smith	
	97	US- 2003-0190258 A1	10-09-2003	Smith	
	98	US- 2005-0042198 A1	02-24-2005	Smith et al.	
		US-			
		US-			

FOREIGN PATENT DOCUMENTS

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Sheet 5 of 5

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First Named Inventor	Francis X. Smith
Art Unit	1615
Examiner Name	Carlos A. Azpuru
Attorney Docket Number	3009099 US01

NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	99	BALLWEBER et al., "In Vitro Microbicidal Activities of Cecropin Peptides D2A21 and D4E1 and Gel Formulations Containing 0.1 to 2% D2A21 against <i>Chlamydia trachomatis</i> ", Antimicrobial Agents and Chemotherapy, Jan. 2002, pp 34-41, Vol. 46, No. 1	
	100	CREIGHTON, THOMAS E., "Proteins Structures and Molecular Properties", W.H. Freeman & Co., New York, 1984, pp 179-182	
	101	DE LUCCA et al., "Fungicidal Properties, sterol binding, and proteolytic resistance of the synthetic peptide D4E1", Canadian Journal of Microbiology, June 1998, pp 514-520, Vol. 44, No. 6	
	102	KEAY, L., MOSER, P.W. and WILDO, B.S., "Proteases of the Genus Bacillus. II. Alkaline Proteases", Biotechnology & Bioengineering, March 1970, pp 213-249, Vol. XII	
	103	KEAY, L. and MOSER, P.W., "Differentiation of Alkaline Proteases from Bacillus Species", Biochemical and Biophysical Research Comm, 1969, pp 600-604, Vol. 34, No. 5	

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